



**UNITED STATES OF AMERICA  
DEPARTMENT OF TRANSPORTATION  
OFFICE OF THE SECRETARY  
WASHINGTON, D.C.**

Issued by the Department of Transportation  
on the 10th day of September, 1996

Served September 16, 1996

Complaint of

AMERICAN AIRLINES, INC.

against

AEROVIAS NACIONALES DE COLOMBIA S.A.  
("AVIANCA"), AEROLINEAS CENTRALES DE COLOMBIA  
("ACES"), AND THE GOVERNMENT OF COLOMBIA

under 49 U.S.C. section 41310

Dockets OST-96-1315

**ORDER DISMISSING COMPLAINT**

**I. Summary**

By this order we dismiss the complaint filed by American Airlines, Inc. against Aerovias Nacionales de Colombia S.A. ("Avianca"), Aerolineas Centrales de Colombia ("ACES"), and the Government of Colombia, alleging that Colombia is violating our bilateral agreement by refusing to permit American to resume daily nonstop service between New York and Bogota and beyond to Quito.

**II. Discussion**

On April 26, 1996, American Airlines, Inc., filed a complaint under 49 U.S.C. section 41310 against Aerovias Nacionales de Colombia S.A. ("Avianca"), Aerolineas Centrales de Colombia ("ACES"), and the Government of Colombia, alleging that Colombia is violating our bilateral agreement by refusing to permit American to resume daily nonstop service between New York and Bogota and beyond to Quito. On May 29, 1996, the Department issued Order 96-5-42 finding that the relevant bilateral provisions were violated and that Colombia's failure to permit American to operate constitutes an unjustifiable and unreasonable restriction on access of an air carrier to a foreign market . . . .

In an attempt to negotiate a solution, consultations with representatives of the government of Colombia were held in Washington, D.C. June 18-21, and July 16-19, 1996, and in Miami, Florida, August 19-22, 1996. These negotiations ultimately reached a solution, and on August 22, 1996, the delegations of the United States and Colombia signed a Memorandum of Consultations which will allow American to resume daily nonstop service between New York and Bogota. American does not hold authority to serve Quito under the U.S.-Ecuador aviation bilateral, and therefore arguments related to service beyond Bogota to Quito are moot.

Against this background, we conclude that it is in the public interest to terminate this proceeding.

**ACCORDINGLY,**

1. We dismiss the complaint filed by American Airlines, Inc. against Aerovias Nacionales de Colombia S.A. ("Avianca"), Aerolineas Centrales de Colombia ("ACES"), and the Government of Colombia, alleging that Colombia is violating our bilateral agreement by refusing to permit American to resume daily nonstop service between New York and Bogota and beyond to Quito; and

2. We will serve this order on American Airlines, Inc.; Continental Airlines, Inc.; the Regional Business Partnership (Newark); Aerovias Nacionales de Colombia S.A.; Aerolineas Centrales de Colombia; the Ambassador of Colombia in Washington; the United States Department of State (Office of Aviation Negotiations), the United States Department of Commerce (Office of Service Industries); and the Office of the United States Trade Representative.

By:

**CHARLES A. HUNNICUTT**  
Assistant Secretary for Aviation  
and International Affairs

(SEAL)

*An electronic version of this order is available on the World Wide Web at  
<http://www.dot.gov/dotinfo/general/orders/aviation.html>.*